

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

CHRISTINA HUA (CSBN 185358)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7212
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAIMUND WERSCHING,

Defendant.

No. CR 06-0183 CRB

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING EXCLUSION OF
TIME AND DATE SETTING

The defendant, with counsel, came before the Court for a status hearing on September 27, 2006. Prior to the hearing, defense counsel had filed a request to continue the trial date which was previously set for March 5, 2007. Based on the request of defense counsel and finding good cause, the Court continued the trial date to July 30, 2007 at 8:30, and pre-trial conference to July 24, 2007. The parties agreed, and the Court found, that the time between March 5, 2007 and July 30, 2007 is properly excluded under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv). Due to the defense attorney's other trial commitments, the complexity of this matter, defense counsel's need to review the discovery and

STIPULATION AND ~~PROPOSED~~ ORDER REGARDING
EXCLUSION OF TIME AND DATE SETTING
[CR 06-0183] [CRB]

adequately prepare for motions and trial, failure to grant the requested continuance would unreasonably deny the defense the reasonable time necessary for effective preparation. Furthermore, given the trial schedule of counsel Charles J. Smith, as represented in the status filing, a continuance to July 30, 2007 is necessary to ensure continuity of defense counsel and ensure that the defense has adequate time to prepare for trial. The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial.

Furthermore, the parties further agree and stipulate to the following dates:

Filing of all defense motions (except for in limine motions):	1/25/07
Government's opposition to motions:	2/14/07
Defendant's replies:	2/21/07
Motions hearing date:	2/28/07
Simultaneous Expert disclosure:	5/7/07
Any responsive expert disclosures:	5/28/07
Motions in limine deadline:	7/3/07
Motion in limine replies deadline:	7/17/07

SO STIPULATED.

DATED: 10/12/06

/S/ Robert S. Carey
ROBERT S. CAREY
Attorney for the Defendant

DATED: 10/16/06

/S/ Christina Hua
CHRISTINA HUA
Assistant United States Attorney

//

//

//

STIPULATION AND [PROPOSED] ORDER REGARDING
EXCLUSION OF TIME AND DATE SETTING
[CR 06-0183] [CRB]

ORDER

For the foregoing reasons, and based on the record at the September 27, 2006 hearing in this matter, the Court HEREBY ORDERS the period between March 5, 2007 and July 30, 2007 be excluded from the speedy trial calculation under Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv). The Court finds that the failure to grant the requested continuance would unreasonably deny defense counsel continuity of counsel, and the reasonable time necessary for effective preparation, given the complexity of this case and the need for adequate preparation. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.

IT IS SO ORDERED.

DATED: October 19 2006

